



Public Schools of North Carolina
State Board of Education
Department of Public Instruction

Report to the Joint Legislative Education Oversight Committee

Small Group Exception Rule for Educator
Preparation Program Accountability

Session Law 2019-149

G.S. 115C-269.45(c)

Date Due: October 1, 2019

Report # ----

DPI Chronological Schedule, 2019-2020

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On July 22, 2019 House Bill 107 became Session Law 2019-149. This law requires the small group exception rule for educator preparation program (EPP) accountability adopted by the North Carolina State Board of Education (NCSBE) to be reported to the Joint Legislative Education Oversight Committee by October 1, 2019. An extensive amount of stakeholder input occurred to aid in the development and creation of these rules and policies to meet the requirements of SL 2019-149 Section 4, which became law on July 22, 2019.

- Since November 2018, the Assessment and Performance and Educator Preparation Subcommittees of the Professional Educator Preparation and Standards Commission (PEPSC) met frequently to develop models for Educator Preparation Programs (EPP) accountability and its corresponding sanctions.
 - November 26, 2018
 - January 25, 2019
 - February 25, 2019
 - March 15, 2019
 - March 20, 2019
 - April 26, 2019
 - August 30, 2019
- With the passage of SL 2019-149 on July 22, 2019, the North Carolina Department of Public Instruction (NCDPI) refined the EPP accountability and sanctions model proposals to align with the three performance measures (annual teacher evaluation, student growth, and recent graduate survey) outlined in G.S. 115C-269.35.
- On August 7, 2019, the NCSBE received an initial update from NCDPI on the development of the rules and policies to meet SL 2019-149.
- In mid-August 2019, the NCDPI sought input on those models from EPP leaders across the state, including the UNC General Administration (17 higher education institutions) and the North Carolina Independent Colleges and Universities (36 higher education institutions).
- EPP leadership and PEPSC subcommittee feedback informed initial policy recommendations proposed in an emergency meeting to the full PEPSC membership on September 3, 2019.
- On September 4, 2019, the NCSBE received the initial PEPSC recommendations for consideration by NCDPI in their regularly scheduled monthly meeting.
- On September 12, 2019, PEPSC approved the final policy recommendations and emergency rules during the September monthly meeting.
- On September 19, 2019, the NCSBE engaged in a conference call to adopt the recommended policies and rules.

The small group exception approved by the Board of Education is as follows:

1 16 NCAC 06C .0340 is proposed for adoption as follows:

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3 16 NCAC 06C .0340 ACCOUNTABILITY MEASURE CONDITIONS, SAMPLE SIZE, AND SMALL
4 GROUP EXCEPTION

5 (a) The North Carolina Department of Public Instruction shall measure Educator Preparation Program performance
6 on each of the accountability measures in the aggregate overall level.

7 (b) NCDPI shall measure EPP performance on each of the accountability measures using disaggregated data to gauge
8 the performance of the following subgroups, gender (male/female), and race/ethnicity (American Indian, Asian, Black,
9 Hispanic, Multiracial, Pacific Islander, White).

10 (c) The minimum sample size shall be 10.

11 (d) If an EPP has no subgroups that meet the minimum sample size over three years, the assessment shall be conducted
12 only at the overall, aggregate level.

13 (e) If an EPP's overall aggregate measure falls below the designated sample size, then its three-year cumulated overall
14 performance shall be measured against the standards, regardless of how small the cumulated number of group
15 members may be.

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17 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,*
18 *Sec. 5;*

19 *Emergency Adoption Eff. October 1, 2019*

For a full list of Rules Adopted by NCSBE associated with 2019-149, See Appendix A below. Further refinement is expected during the public comment period of the rule making process.

Appendix A: Proposed Rules Associated with 2019-149

1 16 NCAC 06C .0335 is proposed for adoption as follows:

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3 **16 NCAC 06C .0335 ANNUAL TEACHER EVALUATION**

4 (a) Data from the North Carolina Educator Evaluation System (NCEES) is used to constitute the Annual Teacher
5 Evaluation accountability measure for each recognized Educator Preparation Program. (EPP)

6 (b) The NCEES evaluation standards identify the knowledge, skills, and dispositions expected of all teachers. School
7 administrators shall annually rate the level at which teachers, including beginning teachers, meet five different
8 standards as follows:

9 (1) Teachers Demonstrate Leadership

10 (2) Teachers Establish a Respectful Environment for a Diverse Population of Students

11 (3) Teachers Know the Content they Teach

12 (4) Teachers Facilitate Learning for their Students; and

13 (5) Teachers Reflect on their Practice.

14 (c) For each NCEES standard, a beginning teacher is evaluated on a Continuum of Teaching Practice rubric with
15 ratings of “developing,” “proficient,” “accomplished,” or “distinguished” depending on observation of their teaching.

16 The principal at the beginning teacher’s school shall complete the beginning teacher’s NCEES evaluation.

17 (d) For EPP accountability purposes, the calculation for Annual Teacher Evaluation shall be the percentage of
18 graduates from the EPP in their first three years of teaching who achieve a rating of “proficient,” “accomplished,” or
19 “distinguished” on each of the five NCEES standards.

20 (e) When a beginning teacher does not receive an annual evaluation, that graduate is not included in the EPP’s Annual
21 Teacher Evaluation accountability

measure. 22

23 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,*
24 *Sec. 5;*

25 *Emergency Adoption Eff. October 1, 2019*

1 16 NCAC 06C .0336 is proposed for adoption as follows:

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3 **16 NCAC 06C .0336 STUDENT GROWTH**

4 (a) Data from the North Carolina Education Value Added Assessment System (EVAAS) constitutes the Student
5 Growth accountability measure for each recognized Educator Preparation Program (EPP).

6 (b) The EVAAS Student Growth indicator is a measure of the amount of academic progress that a teacher's students
7 have made over the course of a grade or class using data from quality assessments such as End-of-Grade or End-of-
8 Course assessments.

9 (b) For EPP accountability purposes, the measure of Student Growth is calculated as the percentage of graduates from
10 the EPP in their first three years of teaching who achieve a growth rating of "meets expected growth" or "exceeds
11 expected growth" as measured by the EPP's graduate's composite EVAAS scores.

12 (1) In this calculation, no school-level EVAAS data shall be used for an individual teacher.

13 (2) When a beginning teacher is not assigned an EVAAS growth rating, that graduate is not included in
14 the EPP's Student Growth

measure. 15

16 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,*
17 *Sec. 5;*

18 *Emergency Adoption Eff. October 1, 2019*

NOTE: The elimination of the NC Final Exams, as a result of the passing of SB 621 (SL 2019-212), will diminish the state's ability to measure the effectiveness of program completers from certain subject areas (i.e., science and social studies) for recognized Educator Preparation Programs in North Carolina.

16 NCAC 06C .0337 is proposed for adoption as follows:

16 NCAC 06C .0337 RECENT GRADUATE SURVEY

(a) The Recent Graduate Survey accountability measure for each recognized Educator Preparation Program (EPP) shall be prepared by the Department of Public Instruction using data about beginning teachers' perceptions of their teacher preparation collected from the Recent Graduate Survey administered by NCDPI or its designee.

(b) The Recent Graduate Survey instrument contains 25 questions designed to capture first year teachers' perceptions of their preparation to enter the profession, over three broad topic areas classified as: Instruction, Supportive Learning Environments, and Teaching Diverse Learners. Data comes from 25 questions which cover how well the EPP prepared a graduate to:

- (1) set challenging and appropriate goals for student learning and performance;
- (2) empower students to become self-directed and productive learners;
- (3) maintain discipline and an orderly, purposeful learning environment;
- (4) develop positive and supportive relationships with students;
- (5) create an environment of high expectations for all students;
- (6) teach in ways that support English Language Learners;
- (7) teach in ways that support students with diverse ethnic, racial, cultural, and socioeconomic backgrounds;
- (8) teach in ways that support special education students;
- (9) teach in ways that support academically gifted students;
- (10) develop a classroom environment that promotes respect and group responsibility;
- (11) teach the concepts, knowledge, and skills of your discipline(s);
- (12) align instruction with state standards;
- (13) relate classroom teaching to the real world;
- (14) develop lessons that build on students' experiences, interests, and abilities;
- (15) develop a variety of assessments (e.g. tests, observations, portfolios, performance tasks);
- (16) provide purposeful feedback to students to guide their learning;
- (17) differentiate instruction;
- (18) use technology in the classroom to improve learning outcomes;
- (19) help students think critically and solve problems;
- (20) develop students' questioning and discussion skills;
- (21) analyze student performance data (e.g. formative and summative assessments, standardized tests, performance tasks, etc.) to improve instruction;
- (22) adapt practice based on research and student performance data;
- (23) self-assess and reflect on own practices;
- (24) collaborate with colleagues to improve student learning; and
- (25) work with parents and families to better understand students to support their learning.

1 (c) For each general area of preparation, a respondent may choose “not addressed,” “not well,” “somewhat well,”
2 “well,” and “very well.”

3 (d) The calculation for the Recent Graduate Survey indicator shall be the percentage of questions for which the
4 respondent indicated “well” or “very well.” The percentage for each respondent is aggregated up to the program level.

5 (e) All public school units with a Beginning Teacher Support Program shall require their beginning teachers to
6 participate in the Recent Graduate Survey. When a beginning teacher does not respond to the Recent Graduate Survey,
7 that graduate is not included in the EPP’s Recent Graduate Survey
calculation.

8 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C 269.40; 115C-269.35; N.C. Constitution, Article IX,*
9 *Sec. 5;*
10 *Emergency Adoption Eff. October 1, 2019*

1 16 NCAC 06C .0338 is proposed for adoption as follows:

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3 **16 NCAC 06C .0338 CONDITIONS FOR DETERMINING ACCOUNTABILITY**

4 For the purposes of Educator Preparation Program accountability standard measurement, Annual Teacher Evaluation
5 and Student Growth shall be calculated using data of all beginning teachers in North Carolina. Standard deviations for
6 these measurements shall be determined using the aggregate of beginning teachers at each approved North Carolina
7 Educator Preparation Program. The Recent Graduate Survey accountability measure shall be determined as a
8 percentage of “well” or “very well” responses to questions as answered by each beginning teacher respondent.
9 Individual percentages of “well” or “very well” responses from beginning teachers shall be aggregated to the program
10 level.

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12 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,*
13 *Sec. 5;*

14

Emergency Adoption Eff. October 1, 2019

16 NCAC 06C .0339 is proposed for adoption as follows:

**16 NCAC 06C .0339 FOUR-POINT SYSTEM FOR EVALUATING EDUCATOR PREPARATION
PROGRAM EFFECTIVENESS**

(a) Accountability thresholds shall utilize a four-point level system for the purposes of evaluating North Carolina Educator Preparation Programs by the North Carolina Department of Public Instruction:

- (1) Level 4 are those EPPs that perform more than one standard deviation above the mean.
- (2) Level 3 are those EPPs that perform between and including 0 and 1 standard deviation above the mean.
- (3) Level 2 are those EPPs that perform below 0 through and including -1 standard deviations below the mean.
- (4) Level 1 are those EPPs that perform more than one standard deviation below the mean.

(b) Level 1 status for any overall group or subgroup can result in program sanctions.

(c) The mean value for each Accountability Measure shall be calculated using data from all North Carolina beginning teachers. The standard deviations for each accountability threshold shall be derived from the performance data of all program completers in aggregate from all North Carolina-recognized EPPs.

- (1) Established accountability thresholds shall remain in effect for five years. At or before the end of a five-year cycle, NCDPI shall re-calculate the standard deviations for each accountability threshold, which shall be used to measure EPP program effectiveness during the next five-year cycle, using the three most recent years of data shall determine.
- (2) The initial standard deviation calculations to support the four point system of accountability thresholds shall be empirically derived from the performance data of all the State's beginning teachers during the 2017-18 academic year, and the two preceding years: 2015-16 and 2016-

History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX, Sec. 5; Emergency Adoption Eff. October 1, 2019

16 NCAC 06C .0340 is proposed for adoption as follows:

**16 NCAC 06C .0340 ACCOUNTABILITY MEASURE CONDITIONS, SAMPLE SIZE, AND SMALL
GROUP EXCEPTION**

(a) The North Carolina Department of Public Instruction shall measure Educator Preparation Program performance on each of the accountability measures in the aggregate overall level.

(b) NCDPI shall measure EPP performance on each of the accountability measures using disaggregated data to gauge the performance of the following subgroups, gender (male/female), and race/ethnicity (American Indian, Asian, Black, Hispanic, Multiracial, Pacific Islander, White).

(c) The minimum sample size shall be 10.

(d) If an EPP has no subgroups that meet the minimum sample size over three years, the assessment shall be conducted only at the overall, aggregate level.

(e) If an EPP's overall aggregate measure falls below the designated sample size, then its three-year cumulated overall performance shall be measured against the standards, regardless of how small the cumulated number of group members may be.

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,
Sec. 5;
Emergency Adoption Eff. October 1, 2019*

16 NCAC 06C .0341 is proposed for adoption as follows:

16 NCAC 06C .0341 ANNUAL PERFORMANCE REPORTS

All recognized Educator Preparation Programs shall submit to the State Board of Education annual performance reports containing the following indicators:

- (1) Data related to the EPP's compliance with requirements for field supervision of students during their internship and residency experiences.
- (2) The following information, disaggregated by race, sex, and ethnicity:
 - (a) The number of students who apply to candidacy of the EPP;
 - (b) The number of students admitted as candidates of the EPP;
 - (c) The number of students completing the program;
 - (d) The number of graduates of the EPP licensed in North Carolina;
 - (e) The number of graduates of the EPP employed in North Carolina;
 - (f) The number and percentage of students who convert from a residency license to either an initial professional license or a continuing professional license; and
 - (g) Any other information required by federal law.
- (3) Quality of students entering the EPP, including the average grade point average and average score on preprofessional skills tests or college entrance exams that assess reading, writing, mathematics, and other competencies.
- (4) Graduation rates.
- (5) Time to graduation rates.
- (6) Pass rates of graduates on professional, pedagogy, and content area examinations for the purpose of licensure.
- (7) Percentage of graduates receiving initial professional licenses.
- (8) The activities offered by the program that are designed to prepare educators, including general education teachers and special education teachers, to effectively teach the following:
 - (a) Students with disabilities; and
 - (b) Students of limited English proficiency.
- (9) The activities offered by the program that are designed to prepare educators to do the following:
 - (a) Integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning.
 - (b) Use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.
- (10) The retention of beginning educators in the profession for at least two full academic years after licensure in North Carolina.
- (11) The results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with

38 employed program participants.

39 (12) Any other information necessary to enable the State Board to assess the effectiveness of the program
40 on the basis of educator retention and success criteria adopted by the State Board.

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42 *History Note:* Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 115C-269.35; N.C. Constitution, Article IX,
43 Sec. 5;

44 *Emergency Adoption Eff. October 1, 2019*

1 16 NCAC 06C .0342 is proposed for adoption as follows:

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3 **16 NCAC 06C .0342 EDUCATOR PREPARATION PROGRAM SANCTIONS**

4 (a) To assess the ongoing quality of Educator Preparation Programs, the North Carolina Department of Public
5 Instruction will issue the following annual reports for each North Carolina EPP:

6 (1) EPP Annual Performance Report;

7 (2) EPP Report Card; and

8 (3) Risk Assessment.

9 (b) The State Board of Education will use information from these reports to levy sanctions, as needed.

10 (c) Educator Preparation Programs that have been assigned a sanction by the State Board of Education shall be
11 subject to additional reporting obligations and remediation to support the program back into compliance. The
12 additional reporting requirements applicable to a sanctioned EPP are a function of the sanction imposed and the
13 duration it remains in place.

14 (d) NCDPI shall oversee the administration of EPP accountability
sanctions. 15

16 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX,*
17 *Sec. 5;*
18 *Emergency Adoption Eff. October 1, 2019.*

1 16 NCAC 06C .0343 is proposed for adoption as follows:

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3 **16 NCAC 06C .0343 ASSIGNING SANCTIONS**

4 The State Board shall assign a sanction of “Warned,” “Probation,” or “Revoked” to an Educator Preparation Program
5 if the EPP achieves a Level 1 status on a State Board of Education accountability measure. Any EPP that performs
6 one or more standard deviations below the mean of all North Carolina EPPs shall be designated Level 1 status.

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8 *History Note:* Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX,
9 Sec. 5;
10 *Emergency Adoption Eff. October 1, 2019.*

1 16 NCAC 06C .0344 is proposed for adoption as follows:

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3 **16 NCAC 06C .0344 WARNED STATUS SANCTIONS**

4 (a) A Warned status due to either a Level 1 designation for overall performance on a program accountability
5 measure or due to a Level 1 designation for the performance of any two subgroups on any indicators in one year shall
6 require the EPP to develop a self-assessed action plan for continuous improvement and return to compliance (Level 2
7 or higher) with the option to include a peer review in the development of the improvement plan.

8 (b) A Warned status for a Level 1 designation on one subgroup over two years shall necessitate an action plan
9 for continuous improvement and return to compliance (Level 2 or higher). The plan shall be reviewed and endorsed
10 by another EPP with an overall rating of Level 3 or higher in the area of
deficiency. 11

12 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX,*
13 *Sec. 5;*
14 *Emergency Adoption Eff. October 1, 2019.*

1 16 NCAC 06C .0345 is proposed for adoption as follows:

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3 **16 NCAC 06C .0345 PROBATION STATUS SANCTIONS**

4 (a) A Probation status due to a Level 1 designation in three subgroups within one year shall require the Education
5 Preparation Program to develop an action plan for continuous improvement and return to compliance (Level 2 or
6 higher) with peer technical assistance selected with North Carolina Department of Public Instruction consultation.

7 (b) The designation of Probation status due to Level 1 accountability of the overall program two years in a row
8 shall require the EPP to develop an action plan for continuous improvement and return to compliance (Level 2 or
9 higher) with peer technical assistance selected with NCDPI consultation.

10 (c) A Probation status issued due to any one subgroup meeting a Level 1 designation following two prior years
11 of Warned status shall require the following:

12 (1) An action plan for continuous improvement and return to compliance (Level 2 or higher);

13 (2) An on-site review by NCDPI; and

14 (3) The EPP's provision of notification to all of its enrolled students of its potential Revocation status
15 and the EPP's plan for supporting students through the licensure

process. 16

17 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX,*
18 *Sec. 5;*
19 *Emergency Adoption Eff. October 1, 2019.*

1 16 NCAC 06C .0346 is proposed for adoption as follows:

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3 **16 NCAC 06C .0346 REVOKED STATUS SANCTIONS**

4 (a) A Revoked status issued to an Educator Preparation Program following three consecutive years of Probation
5 status shall require:

6 (1) The EPP to create an action plan for continuous improvement and return to compliance (Level 2 or
7 higher);

8 (2) An on-site review of the EPP by NCDPI; and

9 (3) The EPP's provision of notification to all of its enrolled students of the programs "Revoked" status
10 and the EPP's plan for supporting students through the licensure process.

11 (b) An EPP on Revoked status may continue to admit students to its program but must agree to pay for the North
12 Carolina New Teacher Support program for each North Carolina graduate recommended for licensure.

13 (c) If an EPP remains on Revoked status for more than two years, it shall not recommend students for North
14 Carolina

licensure. 15

16 *History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; N.C. Constitution, Article IX,*
17 *Sec. 5;*
18 *Emergency Adoption Eff. October 1, 2019.*